

REMARKS

This Amendment is in response to the Office Action dated March 27, 2007. In the Office Action, claims 18-20 were rejected under 35 USC §101 and claims 21-23 were rejected under 35 USC §112. By this Amendment, claims 18-20 are amended and claims 21-23 are cancelled. Currently pending claims 1, 2, 4-10, and 12-20 and 24-26 are believed allowable, with claims 1, 10, 12, 15-20 and 24 being independent claims.

AMENDMENTS TO THE DRAWINGS:

Figure 1 was objected to in the Office Action because reference characters "110" and "120" both referred to a second code encoding unit. The replacement Figure 1 submitted herewith amends reference character 110 to a first code encoding unit. The applicants thank the Examiner for pointing out this typographical error in the drawings.

CLAIM REJECTIONS UNDER 35 USC §101:

Claims 18-20 were rejected under 35 USC §101 as being directed to non-statutory subject matter.

35 U.S.C. § 101 provides:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Furthermore, "When a computer program is recited in conjunction with a physical structure, such as a computer memory, USPTO personnel should treat the claim as a product claim." *Interim Guidelines for Examination of Patent Applications for Patent Subject Matter Eligibility*, pp. 53-54 (Oct. 26, 2005) (http://www.uspto.gov/web/offices/pac/dapp/opla/preognnotice/guidelines101_20051026.pdf).

In the present application, claims 18-20 are amended to recite, "A program embodied in computer memory" Thus, claims 18-20 provide for a computer program in conjunction with a physical structure, namely a computer memory. The Applicants therefore submit claims 18-20 are directed to statutory subject matter and overcome the rejections under 35 USC §101.

CLAIM REJECTIONS UNDER 35 USC §112:

Claims 21-23 were rejected under 35 USC §112, second paragraph, as indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. By this amendment,

claims 21-23 are cancelled. Thus, the rejections directed to claims 21-23 are thus considered moot.

CONCLUSION

In view of the forgoing remarks, it is respectfully submitted that this case is now in condition for allowance and such action is respectfully requested. If any points remain at issue that the Examiner feels could best be resolved by a telephone interview, the Examiner is urged to contact the attorney below.

No fee is believed due with this Amendment, however, should a fee be required please charge Deposit Account 50-0510. Should any extensions of time be required, please consider this a petition thereof and charge Deposit Account 50-0510 the required fee.

Respectfully submitted,

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